

that we have set out in trade. This is critically important to America because all over the world we have American business interests that would be jeopardized if other countries engaged in similar activities against America.

Another provision which clearly singles out Mexican truckers, where American truckers are not affected by a similar provision and neither are Canadian truckers, is a punitive provision that says if you are subject to suspension or restriction or limitations, you can't lease trucks to anybody else. No such requirement exists in American law. No such requirement exists with regard to Canadian trucks. But there is such a limitation in this amendment, and that limitation clearly violates NAFTA by denying Mexican economic interests the same protection of the law that American economic interests and Canadian economic interests have.

Another provision of the law which is totally different from the way we treat American trucks and the way we treat Canadian trucks is that if a foreign carrier is in violation, a foreign carrier can be permanently banned from doing business in the United States. Where is a similar provision with regard to Canadian trucks and American trucks?

Let me summarize, since I am running out of time, by making the following points: No. 1, I am for safety. I have more Mexican trucks operating in my State than any other person in the Senate, other than Senator HUTCHISON, who represents the same State I do. I am concerned about safety, but I do not believe we can sustain in world public opinion a provision that discriminates against our neighbors in Mexico, a provision that treats Canadians under one standard and Mexicans under another. If we want temporary measures whereby we can get Mexican trucks up to standard, that is something with which I can live. But permanent provisions where we are treating Mexico different than Canada, that is something with which I cannot live.

I think it is important that we try to work out a compromise. But I can assure you, given that the administration believes this issue is critical to the credibility of the United States in negotiating trade agreements and enforcing our trade agreements around the world, Senator MCCAIN and I and Senator LOTT intend to fight to preserve the President's position.

Some suggestion has been made that we just would do a cloture on the amendment of Senator MURRAY. I remind my colleagues, the amendment is amendable. If it were clotured, we would have 30 hours of debate on cloture, and there would then be three other cloture votes on this bill. I do not think that is a road we want to go down.

What is the solution? The solution is to have strong safety standards, but you have to apply the same safety standards to Canadian trucks that you do to Mexican trucks. We do not have second-class citizens in America, and

we are not going to have second-class trading partners. We cannot set one standard for Mexicans and one standard for Canadians in a free trade agreement that involves all three countries.

So Senator MCCAIN and I are for safety, but we are not for protectionism. We are not for provisions that make it impossible for the President to provide leadership to comply with NAFTA, and we are willing to fight to preserve the President's ability to live up to our trade agreements.

I hope something can be worked out. I am not sure where the votes are. What I see happening is that protectionism is being couched in the cloak of safety. We are willing to have every legitimate safety provision for Mexican trucks that we have for Canadian trucks and for American trucks. We are willing to have a transition period where we have more intensive inspection. But in the end, in a free trade agreement involving three countries, we have to treat all three countries the same. What we cannot live with is discrimination against our trading partner to the south.

I appreciate the Chair's indulgence.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I heard the comments of the Senators from Arizona and Texas. I want to make it very clear, I have never been against discussion. We put this bill out on the floor last Friday. It has been out here for 3 days. I have continually said I am happy to look at any language any Member brings me on any item of discussion under transportation. What I am against is weakening any of the safety provisions we have included in the committee bill.

The proposal that was given to me by the Senator from Arizona considerably weakens and actually guts many of the safety provisions that Senator SHELBY and I put into the underlying bill. That simply is not a path we are going to take on the Senate floor. Our provisions were adopted unanimously in the Appropriations Committee. I am not interested in going into a back room and negotiating a sellout of the committee or of the safety provisions that I believe are extremely important. That is simply a nonstarter for me as manager of this bill.

I do remind all Senators they can offer amendments and this Senator is happy to consider them as the rules allow. As far as the NAFTA provisions are concerned, I will remind all of our colleagues once again, the underlying bill is not a violation of NAFTA. That is very clear. I set that out in my remarks this morning, and I am to go through that again this afternoon.

Mr. President, I ask unanimous consent that at 2:15, when the Senate reconvenes, the Senator from Illinois be allowed 20 minutes to discuss his issue that he would like to present to us and then Senator BILL NELSON from Florida be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CLINTON).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois was to be recognized for 20 minutes.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent I be permitted to proceed now for 5 minutes, and then return to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, it isn't that this subject matter should be dealt with briefly, but I think I can express my concerns in 5 minutes. I hope others are as concerned as I about this issue.

Senator MURRAY is here on the floor. She is the chairman of the Subcommittee on Transportation. She has worked very hard to accommodate this bill through language with reference to Mexico and Mexican trucking and busing between our borders under NAFTA. She has worked very hard to get something much better than that which was passed in the House and she kept things from passing in our subcommittee that would be much worse than the arrangement we now have in the bill with her amendment.

I would like to say that the United States should be quite pleased today that we have a new relationship growing between the Republic of Mexico and the United States. It is obvious everywhere you go in Mexico with everyone you talk to, and with everyone you talk to in the border States, that the arrival of President Fox has brought a whole new attitude between these two great countries.

For instance, in the 29 years or so that I have been here, there have been four Presidents of Mexico, but not a single one was willing to say that the economic problems of Mexico are not America's problems, and we have to solve our own. President Fox is the first President to say we had better improve the permit system for people coming from his country to work here because he believes they should do this in a legal manner instead of a manner that leaves many Mexicans here in positions of hiding out while they hold jobs and they can't return home—some wonderful ideas about what should happen on our border in terms of cleaning up the border which has grown topsy-

turvy. Law enforcement can now trust Mexican law enforcement for the first time in modern times. The litany goes on.

I, for one, hope the Senators from both sides of the aisle will find a way to sit down and draft a provision on the busing and trucking access to the United States pursuant to the NAFTA arrangements. There are some who have said their trucks aren't safe enough, that they don't have the right kind of insurance—and a rather major litany.

I suggest we had better be careful that we are not couching these things in a way so as to avoid what it really is. It appears to me it is borderline discrimination against Mexican enterprise. There has to be a better way to solve it than we have solved it in this Transportation bill, but in a way that will let Mexico and Mexico's leaders say we are equal partners with the United States, and that we are going to be treated the same way as Canada. Canada, America, and Mexico are the three partners. I believe to do otherwise is to say to the Mexican people and the new President: We don't care about you; we don't even care if we discriminate against you; we have a hot issue, and we are going to pass something; and maybe in a few years we can work something out with you, Mr. President of Mexico, as a NAFTA partner of the United States.

I believe the time is now, on this bill. The President has said he will veto the bill with the Murray language in it. That is official. We ought to sit down and work out something for them so it won't be vetoed.

There are great American transportation issues and problems for every Senator and for every State. We ought to get the bill passed. The way to get it passed is not to send it to the President with language he already said he will veto and offend Mexico unjustifiably. What we are doing is unjustifiable. Let's get it resolved.

There is a simple proposition around. Let's come up with a California solution. I am pretty familiar with the various solutions. Let us in the Senate say we stand ready to help.

I hope we can do this and pass the bill in due course—the full bill—and put some legislation in it that will protect Mexico against discrimination in trucking and busing and allow them to grow and prosper, but at the same time offer as much assurance as we can that their vehicles are going to be safe, and include whatever other requirements we need to ensure they are treated like trucks coming from Canada.

Mr. President, I stand in strong support of permitting Mexican motor carriers full access to the United States in a safe, fair, and timely manner.

The North American Free Trade Agreement went into effect in January 1994. The agreement calls on each country to apply national treatment to services of each of the trading partners. NAFTA required that Mexican

trucks have full access to the United States by January 1, 2001.

Rather than prepare ourselves to meet this obligation, we foolishly prohibited our southern partner's trucks beyond 20 miles from the border.

An arbitration panel ruled that the United States violated NAFTA, and today we face the possibility of trade sanctions in excess of \$1 billion per year of noncompliance.

Some hope to completely bar Mexican domiciled motor carriers, assuming that because they are Mexican, then they are necessarily unsafe.

I applaud Senator MURRAY's attempt to craft a balance to ensure that Mexican trucks are safe, while meeting our national obligation.

As a Senator from a border state, I am deeply concerned about the safety of Mexican trucks. However, I do not believe that we should use safety as an excuse to inappropriately discriminate against Mexico.

As such, I have some fundamental concerns about the language of Senator MURRAY's proposal.

Principally, I am troubled that it seems to harbor a deep mistrust of Mexico.

The United States and Mexico both agree that Mexico must comply with U.S. laws, and that it is the United States' right to enforce those laws. Why then, must we impose additional and unreasonable requirements before permitting Mexican motor carriers access?

NAFTA requires that each member country give national treatment to the other member countries. That means that Mexico and Canada must abide by U.S. safety standards when in the U.S.

Canada has been doing so for some time, and Mexico is prepared and eagerly awaits the opportunity to do so. However, the current language contains a host of provisions requiring the DOT Inspector General to review the accuracy of Mexico's regulations and information.

These requirements are not only wholly offensive and paternalistic, but fall far outside the purview of the IG.

Furthermore, the Department of Transportation inspects Canadian or U.S. motor carriers' facilities only when there is evidence of impropriety or a record of safety violations. Yet, Senator MURRAY's provisions would require that DOT inspect every Mexican carrier's facilities before any permission is granted.

In short, this is discrimination, plain and simple.

The Administration recognized that the current Senate language is discriminatory and would violate NAFTA, and even issued a veto threat if such language is retained.

I understand that many are concerned about the safety of Mexican trucks, particularly since some statistics show that they have greater out of service rates than U.S. trucks. I favor inspecting trucks to advance legitimate safety concerns, and recognize

that a direct correlation exists between the condition of Mexican commercial trucks entering the U.S. and the level of inspection resources at the border.

California is widely regarded as having the best inspection practices. As such, the out of service rate for Mexican trucks in California is commensurate to the rate for U.S. trucks.

Even the International Brotherhood of Teamsters support the California inspection system. In a letter to President Bush, Mr. James Hoffa stated, "Currently, California provides a model of what a proper border inspection program can achieve."

If we all agree that California's inspection system works efficiently, then perhaps we should model the Federal inspection program after it, and refrain from treating our southern NAFTA partner with such distrust.

Mexico has not indicated that it is unwilling to abide by our laws. In fact, Mexico has stated that it will subject its trucks to inspections more intense and more frequent than our own.

The issue is whether Mexican trucks on U.S. roads meet U.S. safety standards. Inspecting trucks should be the focus of an inspection program, rather than inspecting facilities in Mexico without just cause.

Mr. President, I stand in strong opposition to language that would discriminate against our southern partners and support proposals that would ensure the safety of U.S. highways in a fair and timely manner.

I am confident that an equitable solution may be reached that will ensure safe roads and meet obligations under NAFTA, and diffuse the threat of veto.

I yield the floor and thank the Presiding Officer for yielding me 5 minutes, and also the Senators who yielded me their time.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. I thank the Chair and appreciate the Senator from Washington giving me the time to speak on a matter of great importance to the city of Chicago, and actually it is probably of some interest to the Presiding Officer, as she grew up in the city of Park Ridge which is right next to O'Hare International Airport.

I hate to say it, but since the Presiding Officer grew up in Illinois we have had problems at O'Hare. O'Hare has been at capacity since 1969. In fact, it was in that year that the FAA first put delay controls in at O'Hare Airport. Unadvisedly, I think 2 years ago, Congress lifted the delay controls at O'Hare and LaGuardia, and delays went up exponentially. That has kind of renewed and intensified the crisis we have in aviation in this country.

Madam President, I have filed an amendment I will discuss later that I am continuing to work on with my colleague from Illinois, Senator DURBIN. I hope we will be able to work out some arrangements, but my amendment would restore a Chicago supplemental airport to the National Plan for Integrated Airport Systems around the

country, the so-called NPIAS list. For 10 years, Chicago had a supplemental airport on the NPIAS list. It was taken off in 1997 by the FAA. I think it is time we put the Chicago supplemental airport back on that nationwide plan for airports. There are several reasons that I say that.

I want to first point out exactly where we have our airports in Illinois for those who are following this debate. I show you a map of the Chicago area. We have O'Hare International Airport on 7,000 acres on the northwest side of the city of Chicago. It is also bounded by the cities of Park Ridge, Des Plaines, Elk Grove, Wood Dale, and Bensenville. We also have Midway Airport that prior to O'Hare's opening in the late 1950s, early 1960s, was the world's busiest airport, if you can believe it. I think President Kennedy appeared at O'Hare's grand opening in 1963 and by 1969 O'Hare was at capacity.

But if you look at where these airports are located, you see that in order to get more capacity to expand these airports we are confronted with a lot of problems. Midway Airport is right in the middle of a congested area within the city limits of Chicago. In fact, I have never heard the mayor of the city of Chicago suggest expanding Midway to have longer runways. The runways are only 6,000 feet at Midway, so it is very difficult to do a long-haul flight out of that airport.

Recently, Southwest Airlines, and also ATA, have been doing very well at Midway. Midway is almost back to where it was in terms of capacity before O'Hare was built. It is pretty much full right now. Then, of course, we have O'Hare. O'Hare has seven runways.

I will show you a map of those seven runways. This is a blowup of O'Hare Airport. All of this land in the interior shown on the map is filled with runways. In fact, O'Hare has more runways, as far as I know, than any other airport in the country. It has seven runways. It does about 908,000 flights a year.

But when you get into expanding O'Hare, you are met with some real logistical challenges. There is the Tri-State Tollway on the eastern boundary of O'Hare. You have the Northwest Tollway on the northern boundary of O'Hare, and you have Irving Park Road to the south, and you have York Road—Route 83—to the west.

So a lot of people have been saying to me: Why don't we just put down more runways at O'Hare? Many people think—and, in fact, some encourage the perception—that putting in new runways at O'Hare would be as simple as laying new sidewalks. But the fact is, it is very difficult to figure out how you get more capacity at O'Hare.

I show you on this map the existing configuration of the runways at O'Hare. This 7,000-acre field goes way back. The planning was started in the 1940s. It came on line in the late 1950s. I gather that the airport has had this

runway configuration for many years—at least 30 years, maybe more. But there are seven runways at O'Hare. One of them is one of the largest runways in the country.

I believe this runway—14R—32L—is one of the longest runways in this country, about 14,000 feet. The problem with these seven runways, though, is that they are not really laid out properly. In fact, in an optimal configuration that would be done today in a new airport, they would lay these runways out in a parallel fashion so they do not intercept. If you have a plane landing on this runway shown on the map, for example, then another plane cannot be taking off on that runway.

So O'Hare's problem isn't that it does not have enough runways but that they are not laid out right. In fact, Atlanta's Hartsfield Airport, which only has four runways—they are trying to build more now—handles more flights now than O'Hare does, even though it only has four runways. That is because those runways are laid out in a parallel fashion, and you can have simultaneous departures and landings on those different parallel runways.

In any case, Mayor Daley has recently proposed getting more capacity out of O'Hare essentially by tearing all of this up and rebuilding it. In fact, I think the mayor proposes tearing up three runways and building four new ones. One of these runways—I think this runway, the 14,500-foot runway—they would just tear up and demolish it. They would lay new runways all in a parallel fashion. But the problem is, this project gets very expensive, and it would take a very long period of time.

This is a diagram of Mayor Daley's proposed modernization of O'Hare, which really amounts to a tearing up and rebuilding of the airport. He would eliminate this runway and this runway I show you on the map, and he would lay parallel runways. He would leave this runway shown here in place. You would essentially have six parallel runways here, and then two parallel in this direction shown here. Essentially, it is kind of like a quad-four runway system. I think mainly these four parallel runways would be the ones that would be used.

In addition, the mayor would add a western access to the airport. The Presiding Officer would be very interested to know that when she grew up in Illinois, it was much easier to get to O'Hare than it is today. In fact, back in the 1950s and 1960s, there were just cornfields out in that direction. The Northwest Tollway was built in the late 1950s during the Eisenhower administration in 1958, and the development started occurring much later.

But now it is very difficult to get into O'Hare because there is not enough access. In fact, coming from my home in Inverness, which is only 12 miles to the northwest, sometimes it takes an hour to go those 12 miles east on the Northwest Tollway because of congestion.

So recognizing that congestion is a problem, the mayor would propose creating a western access to the airport with another major expressway coming into the west to relieve some of the bottleneck that enters now at the airport on the east.

Also, he would add a new terminal. I think basically what they have now is the main terminals, which he would redo under a program called the World Gateway Program that would cost \$4 billion, or actually \$3.8 billion, to be exact. They would give United terminals 1 and 2, and American terminals 3 and 4. My understanding of it is that most of the other airlines would be stuck at a desk out here on the west side of the airport.

These are the various elements that would have to be done in order to accomplish Mayor Daley's expansion plan. They would close the 3 existing runways, construct 4 new runways, make an extension of 4 runways, construction of the west terminal, construction of western airport access, acquisition of 433 acres, acquisition of 303 homes, and acquisition of 240 rental units. The costs of this proposal have been all over the map. I think the mayor initially disclosed about \$6 billion. But that was pretty much just for tearing up and rebuilding the runways. He did not include the \$4 billion he is spending now on the World Gateway Program. That brings it up, even by the mayor's cost estimates, to about a \$10 billion reconstruction project.

The fact is, when you add in the cost of all the ancillary projects, including road building projects, you would probably have to expand the Northwest Tollway and the expressway to accommodate more people. In fact, you can barely get into the airport right now, as I have said. Imagine what it would be like trying to get into the airport after twice as many people are being urged to go into the airport. So it would be a very costly project—probably somewhere in the \$15 billion range, possibly up toward \$20 billion. The Chicago Tribune has had estimates ranging from \$6.3 billion to \$18.9 billion.

My thought is this: I believe we have an aviation crisis in Chicago because we lack capacity. We have far greater demand than we have capacity. O'Hare has capacity for about 908,000 flights a year. Mayor Daley's proposal of spending about \$15 billion, and lasting at least 15 years following the approval process, would get us up to 1.6 million operations a year. I favor, instead of going forward with that proposal, building a supplemental Chicago airport. The reason I favor that is because it would bring far more capacity, far more quickly, at far less cost.

This is a chart that shows what would be involved in expanding O'Hare vis-a-vis what would be involved in building a third airport in the Chicago area. The cost could range from \$13 billion to \$26 billion for the O'Hare expansion. The estimated cost of the third

airport, which would have six parallel runways and handle 1.6 million operations a year, would be only \$5 billion to \$6 billion—the same as Denver International Airport. Mayor Daley proposes adding 700,000 flights, or operations, a year for the money he proposes spending. For a third of the cost, you could get 1.6 million more operations a year.

In contrast to the 15-years-plus it would take the city of Chicago to tear up and rebuild O'Hare—and God only knows what the delays would be like while they were tearing up and rebuilding O'Hare—the State has estimated it could have the first phase of a third airport done in 3 to 5 years following the approval. That would only be with one or two runways to begin with; ultimate build-out would be six runways. There is great community support for the third airport. There is significant community opposition around the expansion of O'Hare.

Also, competition. Surprise, surprise, but United and American oppose a third airport. Well, United and American have at least 75 percent of the operations. In fact, United and American oppose a third airport because they, right now, have 76 percent of the hub gates at Chicago's O'Hare Airport.

If you look around the country, you will see that we have a tendency around the whole United States toward having a local air carrier that has a dominant position at a regional hub airport. If you look at Atlanta's Hartsfield, you have Delta with 62 percent of the hub gates. At Dallas-Fort Worth, you have American Airlines and Delta together controlling 84 percent of the gates. In Denver, a brand new airport, United is already up to 57 percent of the gates. At Washington/Dulles, United is up to 65 percent of the gates.

So, surprise, United and American oppose a third airport. The reason for that is they would not control the third airport in Chicago. There would be new entrants that would be allowed to come in and compete with them. It seems to me that we should not let that detour us because we are not representing the shareholders of the big six air carriers in the Senate. We need to be worried about aviation consumers. Over the last 20 years—in fact, since deregulation of the aviation industry in the late 1970s—operations in aviation have gone up 80 percent in this country. Yet we haven't built a single new major airport, except for the Denver Airport, which was simply a replacement for the old Stapleton International Airport, which got shut down.

As you look around the country, big airlines that have a dominant position in their market fight like the dickens to prevent another airport from being built because that would allow new entrants to come into their territory, and it would force them to lower costs and improve services or they lose new business to the new entrants.

Because United and American don't want new competitors coming into

their marketplace where they have a duopoly should not deter anybody. What I think would be best for consumers in the Chicago area is if we did have another major hub airport and we had other carriers coming into compete with United and American. They are both good airlines. They have wonderful employees and thousands of wonderful pilots, mechanics, and stewardesses; but I believe the consumers in the Chicago area would benefit by having new choices. I think there are possibilities, such as getting a wonderful new startup airline such as a Jet Blue, or even a Southwest Airways, which is competing at Midway Airport in Chicago, but might someday enjoy having the opportunity to run longer haul flights out of the Chicago area and compete more head-on with United and American at O'Hare. To get one of those fine airlines in the new airport would be great for the Chicago area, and it would help decongest O'Hare for the rest of the Nation.

Now, in the few moments I still have, I want to make one final point. In this regard, I want to associate myself with my colleague from Illinois in the other Chamber, JESSE JACKSON, Jr. For many years he has been a strong proponent of a third Chicago area airport. It is the south suburbs and the southern limits of the city of Chicago that he represents in Congress. He makes the point that we should not want all economic activity in our State concentrated in one 7,000-acre site.

That is perhaps why I disagree with Mayor Daley, the mayor of the city of Chicago. He has a different constituency than I. As mayor of the city of Chicago, he wants to keep as much economic development as possible in the city of Chicago, and Chicago is a mighty fine city, and I hope it remains always strong.

Looking at this issue as a Senator with statewide responsibilities and concern for the whole State, I want other parts of Illinois to have jobs, economic development, and an economic engine, too. I want the Rockford area to have their airport used, I want jobs for the people in the south suburbs, and I want some convenience for the 2 million-plus people who live in the south suburbs who have to drive 2 hours or more to get to O'Hare on those crowded expressways.

Yesterday, there was a good column in the Chicago Tribune by a new columnist for the Chicago Tribune. Her name is Dawn Turner Trice. She analogized this issue actually to the G8 economic summit that was just concluded in Europe whereby the big G8 countries were talking about sharing the wealth with the rest of the world, forgiving some of the debts that Third World nations have, turning loans into grants, outright grants to help some of the developing countries.

She said: Why aren't we looking at this airport issue the same way in the State of Illinois? Why do we allow such a great concentration of wealth in one

tiny 7,000-acre site and not worry about it anywhere else? She is absolutely right on that and, in addition, those wealthy communities around the airport have said enough is enough. Their quality of life is now negatively impacted by the continual cramming of everything into O'Hare. The idea of dramatically increasing the number of flights at O'Hare beyond what they are now presents a real dilemma to the Chicago area. People do not know how they can get there now. They cannot imagine what O'Hare would be like if the airport was expanded further.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FITZGERALD. Madam President, I thank you for this time, and I thank you for the opportunity to address this issue. I hope to be working with Senator DURBIN and my other colleagues to solve the aviation crisis in the country, beginning in Chicago.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

AMENDMENT NO. 1030

Mr. NELSON of Florida. Madam President, I rise in support of the Murray-Shelby version of the question of Mexican trucks on American highways that is in the Department of Transportation appropriations bill.

I support free trade, but free trade does not mean sacrificing the safety of Americans on our highways.

If you will just look at the comparison of safety standards for American trucks and Mexican trucks, the hours of service that a driver can perform are unlimited under Mexican standards.

There are no random drug tests.

A medical condition that will disqualify in America does not necessarily do so in Mexico.

The age for drivers of these trucks established in America is 21 and only 18 in Mexico.

The maximum weight on our highways in America is 80,000 pounds. In Mexico, it is 135,000 pounds.

As to vehicle safety standards, such as antilock brakes, in Mexico they do not even have to have brakes on the front wheels.

And then as to the question of cargo, carrying of hazardous materials, we have very strict standards in this country. In Mexico, they are very lax. There are fewer identified chemicals and fewer licensure requirements.

If ever there has been a case where the commonsense standards, the desires, and the wants of the American people are quite apparent, it is the Americans who get behind the wheel and drive on our highways and on the interstates and encounter huge trucks. How many times have we had, as a driver of a smaller vehicle, a concern about the safety of that big truck that was in front of us or passing around us or that was cutting from one lane to another in front of us.

We have in the interest of free trade in America a proposal to severely lower the standards of trucks coming from

Mexico that we, as the consuming American public, as the driving American public, will have to encounter.

This is not even speaking on the question of the environment. I have been speaking only on the question of safety. On the question of the environment and emission standards, we clearly have in the various States different emission standards. In Mexico, those are much less.

I simply ask the question, Do we want to drive on our highways and encounter trucks with a driver who could be driving with no sleep; that because there was not a random drug test, that driver may be on drugs; he may have a medical condition that impairs his safety; he is less than 21 years of age; he is driving a truck of 135,000 pounds instead of 80,000 pounds; he does not have antilock brakes—indeed, no brakes on the front wheels; and that truck is carrying significant hazardous materials, not even to speak of the fact he is spewing all kinds of pollutants in that acrid smoke we all detest when we are behind a big truck.

The case is quite compelling. I would even be for a more stringent standard than the Senator from Washington has inserted into this bill, but her compromise, along with Senator SHELBY, is a good start in protecting the American people on their highways.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for 15 minutes.

Mr. BOND. I thank the Chair. I thank the managers of this bill, the Chair, Senator MURRAY, and Senator SHELBY for an outstanding bill. It is my pleasure to serve on the committee with them and to support this bill.

Senator MURRAY has been willing to accommodate many of the very important priorities submitted by the Bush administration, including \$325 million for the U.S. Coast Guard Deep Water Systems Program, full funding of the President's request for Coast Guard retired pay and Reserve training, and certainly, as far as my State of Missouri, which is a very transportation-dependent State, we are very grateful for the recognition in our State of the needs in transportation, whether it be transit, buses in the metropolitan areas, transportation for the elderly and the disabled in rural areas, light rail, or a critical road project in southwest Missouri on U.S. Highway 71.

These are all things that are extremely important, and we are, indeed, grateful for the careful attention the Chair and the ranking member have provided to the needs of all of us in this body.

I have, however, raised a question at the subcommittee and full committee level at the request of the Secretary of Transportation. I raise this issue of the Mexican truck treatment. As we all know, in 1994, the North American Free Trade Agreement went into effect following congressional approval the previous year. I was here in 1993 and voted

for this critically important trade agreement. Though I recognize not all of my colleagues were here, and some who were here did not support the agreement, the simple fact remains that NAFTA did pass. It is now the law of the land. The result is we, as Members of this body, have the responsibility to uphold the law and assure we take no deliberate action to violate it.

Unfortunately, we have received a Statement of Administration Policy, dated July 19, which, No. 1, commends the work that Senator MURRAY and Senator SHELBY, the Chair and ranking member, have done to address these many critical issues. They say the administration is pleased the Senate committee has provided necessary funding and staff to address critical motor safety issues. It repeats that the administration is committed to strengthening the safety enforcement regime to ensure all commercial vehicles operating on U.S. roads and highways meet the same rigorous safety standards. However, the Statement of Administration Policy goes on to say, the advice from the administration is that the Senate committee has adopted provisions that could cause the United States to violate commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisers will recommend the President veto the bill.

That is the situation in which we find ourselves. This is too good a bill to be lost. We want to work together to make sure we do not lose the benefits of this bill or violate our agreements under NAFTA. We know for a fact that the NAFTA international tribunal has already issued a decree we violated obligations and are subject to sanctions ranging from \$1 billion to \$2 billion per year for continued violations. These sanctions could certainly lead to multiple problems, particularly in manufacturing, which has already seen three-quarters of a million jobs lost since 2000. The real fear in terms of trade is that if the sanctions continue with alternative suppliers being found from the European Union or elsewhere, the job losses could become permanent.

To set the context for the Senate bill, our colleagues on the other side of the Capitol took a very stringent view that would prohibit the use of any funds in the appropriations bill pending to process applications by Mexico domiciled motor carriers for conditional or permanent authority to operate beyond the commercial zone adjacent to the border. In other words, the House-passed language, as amended on the floor, effectively closes our borders to trade with Mexico while providing no money to address any of the concerns noted by those supporting the amendment. That is to assure safety for all trucks on the highway.

This action not only constitutes a direct violation of NAFTA, but it does not do anything to address the safety issues associated with the status quo on the United States-Mexico border.

A few moments ago we heard questions raised about the weight of trucks in Mexico, their brake systems, and other things. Let me go back to point out that under NAFTA and under the administration's policy, the inspection regulations would require that the trucks coming in from Mexico meet our standards. Whether it is weight, whether it is brakes, all of the safety standards that we impose on our trucks, that we impose on Canadian trucks, would be imposed on Mexican trucks.

As I mentioned earlier, the provision in this bill, headed by the Chair, Senator MURRAY, and Senator SHELBY, made very significant improvements in the legislation and added the money necessary to protect others who travel on the highways. That has to be our first responsibility. Everybody wants to make sure our highways and roads are as safe as possible. We are going to do that. What we need to do is figure out how to do that.

I raise a concern that some of the provisions in this bill could effectively close our border to Mexican trucks. I am very pleased to say we are expecting very shortly to be able to meet with the administration to find out precisely the kind of language changes that are needed. I trust and I believe the leaders of this committee, the Chair and the ranking member, will be able to work to find solutions to the language problems and the practical problems that cause the administration to believe this is a NAFTA violation. We do need to maintain our standing in the international community and make a good-faith effort to live up to our trading obligations. Certainly the obligation to open our borders to other countries that want to bring goods into our country in exchange for opening their borders to allow us to take goods into their countries is very important.

Whether or not my colleagues supported NAFTA at its inception, there should be no question that we should not do something in this body or in conjunction with the other body that would cause us to be in the position of breaking our agreements. That, I am afraid, is the major problem. We cannot and must not violate our agreements. The practical impact of the provisions, unless we can work out a change before it is sent to the President, would be a veto of the whole bill. Senator MURRAY and Senator SHELBY have worked too long and hard to get this bill together to lose it. Our agricultural exports, our manufacturing exports, the jobs for our farmers, the jobs for our workers, require we do this job properly.

If you have, as I have, listened to the congressional debate on letting Mexican trucks travel U.S. roads, you might think the United States is an unequipped, underdeveloped country. I pointed out that NAFTA permits us to require the same safety standards for trucks on highways. We have had more

than 7 years to prepare for the inspection of trucks to ensure they meet U.S. safety standards as required by the North American Free Trade Agreement and as repeatedly requested by Mexico. Yet it appears the Teamsters Union and others with straight faces tell us that the world's wealthiest and most advanced nation does not have the resources to perform this relatively modest chore. That is the heart of their argument—U.S. inadequacy—and we should be ashamed of it, just as we should be ashamed of other arguments being made: we cannot inspect trucks coming across the border, not 7 million trucks; at maximum 180,000, or 300,000 trucks might be the most.

We have the right and the obligation to inspect these trucks. We should be ashamed of saying that we cannot inspect them. We have a lot of evidence already of trucks traveling on our highways. A Mexican trucking fleet has long been allowed to traverse this country en route to Canada with no notable safety hazard resulting. Only if the Mexican trucks want to stop to deliver goods throughout the United States do we want to bar them. Maybe it is a question of whose jobs are being impeded.

Mexican trucking firms can already travel throughout the United States so long as the firms are U.S. owned and no serious issues have been raised about that. Only if the Mexicans own the companies do we prohibit their trucks. Something to do with competition maybe. That raises questions.

Older Mexican drayage trucks, those long allowed to make short hauls in the 20-mile "commercial zones" on either side of the border, are as safe as similar U.S. trucks. As the American Trucking Association has noted, the Mexican vehicles are taken out of service for safety reasons at rates that are virtually identical to those at drayage operations at ports and intermodal facilities all across the United States.

If we need more proof, we only need to look to California, the only State that inspects every Mexican vehicle crossing its border. The out-of-service rate for Mexican trucks there is virtually the same as that for U.S. trucks. The president of the Teamsters, Mr. James Hoffa, calls California's program, which we propose for the rest of the border, "a model of what a proper inspection program can achieve."

What it has achieved is to show that we can, indeed, inspect Mexican trucks. California does it in two modern facilities, built mostly with Federal funds, with inspectors chiefly paid with Federal dollars, and those vehicles are as safe as U.S. trucks. How, then, can critics make the claims about dangerous Mexican trucks?

First, they mix apples and oranges, comparing older drayage trucks, which have a higher out-of-service rate in both our nations, with all U.S. trucks. Thus, when critics say the out-of-service rate for trucks at the border is 36 percent, or half-again higher than the

24 percent for all U.S. trucks, they are engaging in a little statistical sleight of hand. This, I find, is misleading.

In addition, there is a contention that under the administration's plan it would take 18 months to take any unsafe Mexican trucks off the road. But that is how long it would take to go into Mexico and audit Mexican firms' paperwork, maintenance records, drivers' logs and the like, not to inspect their trucks.

What we are seeking funds for in this bill, and what the administration has sought, is money for roadside truck inspections.

Similarly, as I said, many House Members signed a Teamster-generated letter that under NAFTA, 7 million Mexican trucks would be riding American highways, while only 180 Mexican firms have applied, and there are only about a total of 300,000 commercial trucks in all of Mexico.

The chief danger in this debate is not Mexican trucks but U.S. protectionism, which is already costing businesses and consumers dearly. About 75 percent of United States-Mexico trade, or about \$195 billion of goods moves by truck with cargoes transferred from long-haul trucks to drayage trucks at the border and back to long-haul trucks for nationwide delivery. It is a senseless and expensive system that must be ended—not for the least reason that it keeps the older, more dangerous drayage trucks targeted by critics on the road.

As one who comes from an agricultural State, and 75 percent of our exports go into Mexico by truck, we depend upon trucking because 12.5 percent of the American agricultural exports go to Mexico. That gives us a trade surplus in agriculture of over \$1 billion.

If we put these barriers up to Mexican trucks as Secretary Mineta, the Secretary of Transportation has noted, Mexico could impose compensatory tariffs of \$1 billion on U.S. goods. Many U.S. workers and companies would feel the pain if Mexico were to exercise this right.

Perhaps more costly, however, would be the damage to our U.S. drive to get other nations to keep their borders open and to keep their trade commitments. As the world's largest exporter, we have the most at stake in this issue. Our case will be impossible if we violate our own word. I think it is past time. I hope we can very shortly work out something that the President has suggested, the Teamsters endorse, many on this floor have endorsed, and that is adopting the California model for all border States to provide the funds for facilities and inspectors, to make sure our highways are safe. That is No. 1. Every American has a right to demand that we ensure the safety standards for all the trucks on our highways.

I encourage all my colleagues to work with the Chair and the ranking member to ensure safety on America's

highways while opening our borders to foreign trade, to assure compliance with our treaties, and to avoid a veto.

People in my State want to trade with Mexico just as the people in the rest of the country want to trade with Mexico. We can achieve safe highways while maintaining open borders and avoiding trade sanctions by applying universal inspections and standards across the board. We can get the job done. I look forward to working with the Chair of the Committee, Senator MURRAY, and Ranking Member SHELBY in the coming hours and days in an effort to see that we can attain these very reasonable goals for all Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator has expired. Who seeks time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I hope to clear the air somewhat with respect to comments made by my distinguished colleague from Arizona. I serve with him on the Appropriations Committee. We both voted to report out this particular Transportation appropriations bill with the Murray amendment. We reported it out unanimously.

The reason we did that is because the Senator from Washington, Mrs. MURRAY, and the Senator from Alabama, Mr. SHELBY, in a bipartisan manner, went about this particular task in a very deliberate, studied way. In other words, they went to the Department of Transportation and they went to the Motor Carrier Safety Improvement Act of 1999.

For example, the particular provisions I heard Senator GRAMM of Texas point out, there are two of them, relative to the leasing issue and the disqualification of vehicles operating illegally. They are both suspended upon implementation of the motor carrier provisions of NAFTA. That says "upon implementation." What the Senator from Texas was talking about as an extreme, terrible thing and everything else, is actually required. These provisions are required under the Motor Carrier Safety Improvement Act of 1999 that passed this Senate by 99 votes. Of course, I voted for it. The Senator from Texas and the Senator from Arizona voted for it, also.

It is talking of two particular provisions where, if you are found in violation, for example, you cannot then go lease your equipment for some other person to come in and do the job. That is provided for in this Motor Carrier Safety Improvement Act of 1999. I have it here in my hand, should there be any question.

Otherwise, the Senator from Texas was correct in a sense about leasing and domicile. When we drew up this provision, we checked with the Transportation Safety Department. In fact, I thought I was correcting Secretary Mineta in our hearing last week when he attested to the fact it never should be required that it be domiciled. And I

said: Mr. Secretary, we got that from your Department.

Now the Department of Transportation says: Not quite. What they really meant was license in the sense of domesticating, having an individual in some State to be subject to service. In other words, if there is an accident and some aggrieved party wants to serve the particular—let's say Mexican truck—they have to have the State and an office and an individual to be served, subject to service that we all know about in the practice of law.

That could be corrected, as the Senator from Washington said, by amendment. True it is that, yes, Vicente Fox, the new President of Mexico, has given us hope with NAFTA. There is no doubt we have NAFTA. I opposed it as vigorously as anyone, but now we have to see that it works.

In all candor, this is the first chance I have seen that we can make it work under the new President, particularly with his Foreign Minister, Jorge Castaneda, who has taught up here in the United States. He has worked on this and I have talked to him about safety. Mexico does not really want to get embroiled in this. They are mostly interested in immigration and industry and economic expansion and everything else, and they don't want to cross wires with the United States on the matter of the Motor Carrier Safety Improvement Act Of 1999.

He said that to me several times. I understand that. Neither do we, because this is a reciprocal thing. If we required something up here in the United States that was untoward or discriminatory, they would require the same thing of us down in Mexico.

We are working this treaty out. These provisions under the Murray amendment are all in conformance with NAFTA—and are required by the U.S. motor carrier act. I can tell you that right now.

Senator MURRAY and Senator SHELBY should be commended for their thoughtful process. The President said we are going to license, and the trucks can come over January 1st. The confrontational Sabo amendment in the House said there will be no money to process applications and the trucks would not be eligible to come over. It said we are going to save money by cutting funding off for the fiscal year 2002. That doesn't get us anywhere. If we take up Representative SABO's legislative proposal, it will be another year and a half before we can address the issue. Nothing would happen until October of next year.

Everybody wants to move along on this particular score. Jimmy Hoffa testified at the hearing for this Murray amendment. We asked him about these particular amendments because we wanted to be sure it was deliberate and nondiscriminatory in the sense that it was required of the U.S. motor carrier act. That is the way it has been provided.

The Senator from New Mexico, Mr. DOMENICI, was correct in saying that

we have every bit of hope and we are all working. But to say that it looks like partial discrimination and that we were trying to get some tricky kind of things on behalf of the Teamsters, or that these requirements cannot be complied with—it is totally out of whole cloth. I have never seen anybody work harder and give better leadership than the Senator from Washington with this Murray amendment. It is the Murray-Shelby amendment. It is bipartisan. It should remain so. All of this running around, I don't want to talk, or you don't want to talk, or whatever—that is nonsense. Put up the amendment so we can vote on the amendment and move on.

I think the Senator from Washington ought to be commended for the very studied way in which she has gone about this particular amendment and these requirements. Certainly once that gate is opened and the trucks are coming over, then they are coming over in some 27 particular spots, and we have to provide checkpoints and personnel, training, and everything else ourselves. So it is not just the Mexicans preparing themselves and so forth by January 1st, but us, too.

We don't make January 1st the drop-dead date under the Murray amendment. We say all of these things cannot be licensed; the border cannot be opened until A, B, C, or D in the Murray amendment are complied with. That is the studied, deliberate way to go about regulating at this particular point on the appropriations bill. It is important that it be done that way rather than overall on the House side.

We are not looking for the President to veto it. President Bush is smart. He is not going to veto safety. There is nothing in this particular measure that would require a veto. Let's get on with legislation in the particular appropriations bill.

I vetoed, like the distinguished Presiding Officer, for 4 years as the Governor. You wake up, and you want to read that veto message very clearly so it can not only be sustained legally but in the public domain. I can tell you that neither legally nor in the public domain the veto of the Murray amendment will be sustained. Nobody is trying to say we are going to stick it to you and we hope you veto it. None of that is in here. It unfortunately has gotten way off track.

I am not a party or even a member of the Subcommittee on Transportation in the Appropriations Committee, but I have watched how it was done. Yes, our committee, the Committee of Commerce, Science, and Transportation, had a hearing with Secretary Mineta. Those kinds of things were pointed out. I could go on at length about the hearings we had.

For example, the Comptroller General said:

Strong enforcement will be needed for the minority of carriers that are egregious offenders and a risk to public safety. The Motor Carrier Safety Improvement Act of

1999, section 219, provides fines and disqualification sanctions for Mexican carriers operating without authority or beyond the authority in the United States. These fines range from \$10,000 to \$25,000. However, the act's provision has not been implemented, and this provision will expire when NAFTA's cross border trucking provisions are implemented.

These are the kinds of things we had before us at the hearing of Commerce, Science, and Transportation with Secretary Mineta. It was an excellent hearing.

We are ready to move on. I am convinced that we could report out a similar authorization bill this afternoon, if the committee met, similar to the Murray amendment. It would be right there, because we made our suggestions as to changes.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business, with Senators allowed to speak for up to 5 minutes each, until the hour of 3:40 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, I know there is a discussion going on off the floor with regard to coming to some resolution on the issue of Mexican trucking. I hope we can find a way to resolve this procedurally.

I applaud Senators MURRAY and SHELBY and others who reached the compromise that is now part of the bill, and I hope, whether we reach another agreement or whether we can't reach agreement and simply have votes, we can do that. I think we have made reasonably good progress before the August recess on appropriations.

I have had some discussions with the Republican leader, as well as with our caucus and my leadership. We have discussed just what remains to be done prior to the time we leave. I think it is fair to say we are way behind the curve with regard to where we should be on the appropriations front. We have only completed three appropriations bills so far. I hope at the very least we can complete our work on at least two more—Transportation and HUD/VA. I have indicated to Senator LOTT that would be my desire. I have indicated to